

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1151

IN THE MATTER OF:

Served June 24, 1971

Application of WMA Transit	)	Application No. 671
Company for Permanent Authority	)	
to Operate Route X Between	)	Docket No. 226
Laurel, Maryland and Washington,	)	
D. C.	)	

Order No. 1138, served June 7, 1971, granted WMA Transit Company (WMA) amendments to its Certificate of Public Convenience and Necessity allowing the institution of service between Laurel, Maryland and Washington, D. C. That order further set June 21, 1971, as the date by which WMA should have appropriate tariffs on file with the Commission to enable it to provide that service.

Greyhound Lines, Inc. (Greyhound), a protestant in the formal proceedings which led to the grant of authority to WMA, filed a petition for reconsideration of Order No. 1138 on June 24, 1971. The question which Greyhound presents for our reconsideration is one of law: whether an order of the Commission can become effective prior to the expiration of the thirty-day period during which affected persons may seek reconsideration.

This issue is dealt with squarely in the language of the Compact itself. Article XII, Section 15 provides, "Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe." Pursuant to that provision, the Rules of Practice and Procedure of the Commission provide:

7-03. Effective Dates of Orders. Orders of the Commission shall be effective as of the dates of service, unless otherwise specifically provided in the orders.

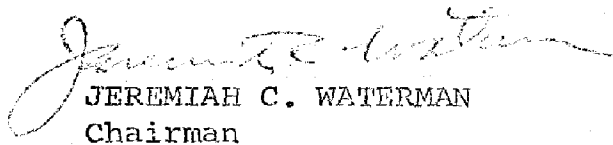
Order No. 1138 was served on June 7, 1971, and absent specific provision to the contrary the order become effective on that date.

Petitioner argues that Article XII, Section 16 of the Compact, Reconsideration of Orders, serves to prevent an order from becoming effective prior to the lapse of thirty days. This Section, while granting broad rights to members of the public, contains no language which can be read as a restraint upon the authority bestowed in Article XII, Section 15 quoted above.

Additionally, petitioner requests that we not permit or require WMA to operate between Laurel, Maryland and Washington, D. C. until after July 7, 1971. It points out that Rule 28.05 acts to automatically stay an order upon receipt of a petition for reconsideration of that order; and as petitioner intends to file an additional petition for reconsideration on or before July 7, 1971, a detrimental interruption in service could result. We do not believe that a mere assertion of intention to file an application for reconsideration is basis for action.

THEREFORE, IT IS ORDERED that the petition for reconsideration of Order No. 1138 filed by Greyhound Lines, Inc. on June 24, 1971, be and it is hereby denied.

BY DIRECTION OF THE COMMISSION:

  
JEREMIAH C. WATERMAN  
Chairman